United Nations A/C.3/71/SR.41

General Assembly
Seventy-first session

Official Records

Distr.: General
6 January 2017

Original: English

Third Committee

Summary record of the 41st meeting
Held at Headquarters, New York, on Wednesday, 2 November 2016, at 10 a.m.

Chair: Mr. Eriza (Vice-Chair) ..... (Indonesia)

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In the absence of Ms. Mejía Vélez (Colombia), Mr. Eriza (Indonesia), Vice-Chair, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 66: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*) (A/C.3/71/3)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*) (A/71/18, A/71/325 and A/71/327)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/71/288, A/71/290, A/71/297, A/71/301 and A/71/399)

Agenda item 67: Right of peoples to self-determination (*continued*) (A/71/318 and A/71/326)

1. **Mr. Al-Hussaini** (Iraq), reaffirming his country's solidarity with the Palestinian people and all other Arab populations living under Israeli occupation, commended the Palestinian people's determination to realize their legitimate right to an independent State with sovereignty over its natural resources and with East Jerusalem as its capital.

2. Iraq condemned all brutal actions perpetrated by the Israeli occupation authorities, including arbitrary detentions, the destruction and confiscation of agricultural land and other property and the use of extreme violence against civilians. Iraq also condemned the refusal of Israel to abide by relevant international resolutions and its efforts to prevent the achievement of a just and comprehensive settlement of the question of Palestine.

3. The discriminatory policies, acts of collective punishment and systematic killings perpetrated by the Israeli occupation forces ran counter to the most fundamental principles of human rights, deprived Palestinians in the Occupied Palestinian Territory of their freedom and denied them a life of dignity. Moreover, the settlement-building programme of Israel, its seizure of Palestinian land in the West Bank and the brutal siege it had imposed on the people of Gaza constituted grievous violations of international law, particularly international humanitarian law.

4. The Israeli occupation forces must comply fully with international law, relevant international resolutions and the Geneva Conventions, and withdraw fully from all occupied Arab land, including the occupied Syrian Golan and the territories that remained under Israeli occupation in Lebanon. International organizations, and the Human Rights Council in particular, should continue to monitor closely the situation of the Palestinian people, who were still denied their right to self-determination. Iraq trusted that the right of peoples to self-determination would remain on the agenda of the Third Committee so that global attention would continue to be accorded to the question of Palestine and the actions of the Israeli occupation authorities.

5. **Ms. Lodhi** (Pakistan) said that the right to self-determination was a peremptory norm of international law, unequivocally affirmed in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Nevertheless, even in the twenty-first century, millions of people were coerced into living under foreign occupation and alien domination and were denied their inalienable right to self-determination. Every occupier employed the same narrative and means to justify oppression by conflating freedom struggles with terrorism, using brute force to suppress the legitimate aspiration of peoples to freedom and blaming others to cloak its own infamy.

6. The right to self-determination must be exercised freely without coercion or repression and did not lapse with the passage of time. The decades-old dispute of Jammu and Kashmir had yet to be resolved in accordance with those fundamental principles. A number of Security Council resolutions had clearly provided that the future status of Jammu and Kashmir would be decided through a democratic, free and impartial plebiscite conducted under the auspices of the United Nations. However, the people of Kashmir had waited nearly 70 years for the implementation of those resolutions. A new generation of Kashmiris, led mainly by Kashmiri youth, had risen to demand freedom from the illegal occupation of India, braving bullets and curfews to press their right to self-determination.

7. International law and United Nations declarations on self-determination granted the Kashmiris the right

to struggle for self-determination by all means at their disposal and to receive moral and political support from the international community. Pakistan remained committed to finding a just solution to the Jammu and Kashmir dispute in accordance with the aspirations of the Kashmiri people and the relevant Security Council resolutions. Fulfilment of the long-held promise of self-determination to the Kashmiri people was urgent, as it was vital to establishing lasting peace in the region.

8. The Durban Declaration and Programme of Action provided an effective platform to comprehensively tackle racism, xenophobia and related discrimination.

9. **Mr. Ajayi** (Nigeria) said that the elimination of racism, racial discrimination, xenophobia and related intolerance was one of the core principles of his country's foreign policy, and Nigeria was a signatory of the International Convention on the Elimination of All Forms of Racial Discrimination. At the national level, freedom of expression for individuals and organizations, including the press and human rights defenders, was paramount. The Constitution prohibited discrimination against any citizen on the grounds of ethnicity, culture, language, religion or belief. Despite being home to approximately 250 ethnic groups, no ethnic minorities had suffered discrimination in their quest for socioeconomic development, and they were given ample opportunity to participate in open and healthy political discourse in an effort to encourage political coherence and social solidarity. The national anti-terrorism campaign promoted and protected the rights of all people, irrespective of race, creed, belief and cultural affiliations. Hate slogans, racial incitement and chauvinistic manipulation were not tolerated. Law enforcement agencies had been strengthened to counter extremist movements and groups whose advocacy constituted incitement to racist and discriminatory uprisings.

10. Despite national and international efforts, discrimination and racial segregation remained major challenges for the international community. His Government supported mechanisms that would promote international dialogue and cooperation at all levels. The Durban Declaration and Programme of Action was essential to address issues of racism, racial discrimination, xenophobia and related intolerance, and Nigeria supported integrating tolerance for cultural and ethnic diversity into the municipal laws of Member States.

11. Racism and xenophobia had worsened the plight of refugees and migrants, pushing them further to the fringes of society where they faced greater socioeconomic exclusion and illegal exploitation. Nigeria called on States to take adequate measures to prevent xenophobic attacks against migrants and refugees and punish perpetrators. His Government also supported the International Decade for People of African Descent. It would continue to work with civil society organizations to combat racism and xenophobia and take necessary measures to prevent hate speech and incitement against individuals or groups, in accordance with international law.

12. **Mr. Joshi** (India) said that universal adherence to the International Convention on the Elimination of All Forms of Racial Discrimination and full implementation of the Durban Declaration and Programme of Action were essential to the promotion of equality and non-discrimination, which required resolute action and cooperation at the international level. Racism must be combated within societies in each nation through education, policies and stringent law. The commitment of his Government to the elimination of racism was based on the fundamental principles of universal brotherhood, equality and non-discrimination, and the Constitution provided adequate safeguards against racism and racial discrimination. As a founding member of the Movement of Non-Aligned Countries, India had been at the forefront of the movement to secure the right of peoples to self-determination. Maintaining unwavering solidarity with the people of Palestine for the attainment of their inalienable rights, his delegation reiterated its full support for the peace process and the Quartet Roadmap.

13. The right to self-determination could not become an instrument to promote subversion and erode the political cohesion or territorial integrity and sovereignty of Member States, in contravention of the purposes and principles of the Charter of the United Nations. The Third Committee had just heard the ritual propaganda of Pakistan on the right to self-determination. His delegation rejected the baseless allegations made in their entirety. Pakistan, whose own

people had been deprived of their democratic rights for most of that country's history, continued to illegally occupy a part of the Indian state of Jammu and Kashmir and rule it as a virtual colony. Pakistan repeatedly abused the concept of self-determination to bolster its agenda of territorial aggrandizement through terrorism against India. He reminded the delegation of Pakistan that India was the world's largest democracy, and free and fair elections were held regularly in the Indian state of Jammu and Kashmir, thereby meeting the aspirations of its people. Thousands of innocent citizens of India, including women and children, fell victim to the repeated, inhuman terrorist attacks committed by agents of Pakistan in that region. Pakistan would serve its people better if it could reflect on the challenges faced by its society, rather than setting its sights on the territories of its neighbours, in flagrant violation of all international norms.

14. **Ms. Sukkar** (Jordan) said that the right to self-determination was indispensable to the enjoyment of other rights. Moreover, as underscored in both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, empowering peoples to exercise their right to self-determination promoted economic, social, political and cultural development. No pretext could be invoked to prevent a people from exercising that internationally recognized right. Granting people the right of self-determination would have a positive impact on international peace and stability.

15. The Palestinian people's right to establish an independent, sovereign, viable and territorially contiguous State of Palestine with East Jerusalem as its capital, in accordance with the 4 June 1967 borders, must be upheld. Jordan therefore called for Israel to halt its unilateral actions — including settlement activity, the construction of separation walls, the demolition of homes, land confiscation and the killing of innocents — which aimed to pre-empt the results of negotiations on crucial issues. That would enable the return to serious, good-faith negotiations with a view to achieving a just and lasting peace.

16. **Mr. Dehghani** (Islamic Republic of Iran) said that his country was deeply concerned by xenophobic attacks against refugees, asylum seekers and migrants, and the racist language increasingly being used to describe them in social media and by some political parties and politicians from across the political spectrum. The Durban Declaration and Programme of Action and the International Convention on the Elimination of All Forms of Racial Discrimination should constitute the roadmap for combating all forms of racism and intolerance.

17. The rising level of Islamophobia; the proliferation of political parties with overt anti-Muslim, anti-immigrant and anti-minority agendas; and an overbearing security approach to migration control were becoming routine in some Western countries. Muslims and other minorities were increasingly facing xenophobic and discriminatory treatment, leading to hatred, extremism and a desire for vengeance. Many Western countries seemed to be disregarding the alarming increase in marginalization, social exclusion, disenfranchisement, cultural chauvinism, unabated xenophobic tendencies, racial hatred and racism, which could become breeding grounds for atrocities and terrorism.

18. It was a matter of serious concern that Israel, the only apartheid regime of the twenty-first century, continued to violate the basic human rights of Palestinians while enjoying full impunity. The deafening silence of the self-proclaimed champions of human rights, in the face of such an abhorrent record of racism, was hardly accidental. Racial prejudice could be found in every facet of Israeli life, and systemic discrimination and segregation between Jewish and non-Jewish communities was reminiscent of the appalling apartheid system. No amount of slander or deception by the Israeli regime could cloud the obvious fact that it posed a real and urgent threat to the global fight against racism, xenophobia and intolerance.

19. **Ms. Horbachova** (Ukraine) said that Ukrainian legislation guaranteed the full respect of human rights and fundamental freedoms and ensured equality in the political, economic, social and cultural spheres of public life for all citizens without distinction. In August 2016, the Ukrainian delegation had presented two periodic reports to the Committee on the Elimination of Racial Discrimination.

20. Since the temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation and its armed aggression in certain areas of the Donbas region,

occupation authorities had targeted the indigenous Crimean Tatars and the Ukrainian-speaking citizens living in the occupied territory. Their discriminatory actions had been well documented and publicized in various reports prepared by the United Nations, the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and numerous non-governmental organizations (NGOs), among others.

21. Her Government was deeply concerned by the racially-motivated violence increasingly being perpetrated by far-right organizations against ethnic minorities and immigrants in the Russian Federation, particularly against people from the Caucasus and Central Asia. The Russian Government had been endorsing far-right movements and approving their participation in the ongoing aggression against Ukraine as a part of its hybrid warfare strategy, and State-owned media had been spreading hate propaganda. Those developments were deeply alarming, particularly in the context of the serious violence in Marseille in June 2016 amid the preparations for the Russian Federation to host the 2018 Fédération internationale de football association (FIFA) World Cup. The Russian Federation should cease the practice of inciting hatred.

22. **Ms. Grigoryan** (Armenia) said that the main challenge to the right to self-determination was the lack of political will to create an enabling environment for the exercise of that right. States parties to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights had an obligation to promote the realization of the right to self-determination and to respect that right in accordance with the provisions of the Charter of the United Nations.

23. In some instances, the realization of the right to self-determination had been denied by force, and the situation had devolved into mass atrocities and grave human rights violations. The use of force could only exacerbate the situation and eventually trap the parties in a protracted conflict, as had been the case for Nagorno-Karabakh. The human rights of people residing in conflict areas should be upheld regardless of the legal status of the territory. Those people must not be isolated from the international community, and human rights mechanisms must be allowed access to those areas. The effective implementation of the right to self-determination would contribute to greater enjoyment of human rights, peace, stability and security. The international community must find ways to work together on human rights and security issues and not in parallel.

24. **Ms. Shikongo** (Namibia) said that her Government was deeply concerned by reports about the accelerated construction of Israeli settlements; the construction of the wall; the exploitation of Palestinian natural resources; the increased demolition of homes, economic institutions, agricultural lands and infrastructure; and the revocation of residency rights. The continued policy of closures and severe restrictions on access to goods and persons through the Gaza blockade represented a collective punishment for the Palestinian people.

25. Her Government called on Israel to immediately cease the construction of settlements and the wall and the destruction of Palestinian homes and properties. The Israeli Government should comply with its legal obligations, as per the advisory opinion rendered by the International Court of Justice 12 years ago, and cease the illegal exploitation of natural resources in the Occupied Palestinian Territory and occupied Syrian Golan. The illegal settlement programme, the separation of the Palestinian market from international markets and the Gaza blockade impeded the economy of the Occupied Territory. In order for Palestine to reach its full economic potential, the illegal Israeli occupation must end. It was unacceptable that the Palestinian economy was so heavily reliant on international assistance because too many barriers had been placed in the way of normal economic activities. Statehood and independence were the national, inalienable and legal rights of the Palestinian people. Namibia therefore called on the international community, especially the Security Council, to fulfil its obligations and assist the people of Palestine in the realization of their basic right to independence and self-determination.

26. The Saharawi people also had the right to determine their future and destiny, and her Government urged Morocco to demonstrate respect for and adherence to the principles and institutions of the United Nations by implementing its resolutions, particularly General Assembly resolution 1541 (XV), in order bring an end to the Saharawi decolonization

process. The people of Western Sahara should be allowed to enjoy their inalienable right to self-determination, and the legitimacy of any claim over Western Sahara should be decided by the Saharawi people themselves and not by any outside power. Namibia would accept the results of a referendum. The fairness and legitimacy of such a process would need to be closely monitored in order to prevent non-qualified persons from influencing the results.

27. **Ms. Mammadova** (Azerbaijan) said that her Government was deeply concerned by contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in particular the negative stereotyping of religions, Islamophobia, prejudice and discrimination against Muslims. It rejected any attempts to associate any religion with violence and terrorism. Every effort should be made to foster intercultural and interreligious dialogue to counter the increasing prejudice and hatred around the world. As the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had emphasized in his report (A/70/321), the media could play a positive role in combating the spread of extremist ideas and promoting a culture of tolerance.

28. In May 2016, the Committee on the Elimination of Racial Discrimination had considered the combined seventh to ninth periodic reports of Azerbaijan (CERD/AZE/7-9). In its concluding observations (CERD/C/AZE/CO/7-9), the Committee had welcomed a number of measures taken by the Government, which included increasing the regularity of reporting, significantly improving the living conditions of internally displaced persons and promoting multiculturalism through initiatives such as hosting the seventh United Nations Alliance of Civilizations Forum.

29. Racism continued to be a major obstacle to friendly relations among peoples and nations. Greater attention must be paid to the use of hate speech by public officials and the media, and to violent attacks on groups with a view to creating ethnically homogenous societies. The continued State-sponsored hate speech in Armenia against Azerbaijan, in which the Armenian leadership had taken the lead, was a matter of particular concern. In May 2016, the Government of Armenia had unveiled a monument to an Armenian nationalist who had supported the Nazis in the Second World War, thereby glorifying Nazism and neo-Nazism in Armenia.

30. The right to self-determination was applicable to peoples of Non-Self-Governing Territories and to peoples subjected to alien subjugation, domination and exploitation, including those under foreign military occupation. Nevertheless, there were instances of flagrant misinterpretation of the right to self-determination, especially when it was used to justify the unlawful use of force, military occupation and unilateral secession from independent States supported by outside forces. A notorious example was the continued aggression by Armenia against Azerbaijan. Armenia spared no effort to impose the view that the principle of self-determination could be applied to unilateral secession for the Armenian ethnic minority group living in Azerbaijan. However, the realization of any right could not be achieved through illegal means. The fact that the illegal situation continued because of political circumstances did not mean that it was therefore rendered legal. In situations of armed conflict, no peace could be reached that was inconsistent with peremptory norms of international law, which included aggression, genocide and racial discrimination.

31. **Ms. Bassene** (Senegal) said that the victims of racism, racial discrimination, xenophobia and related intolerance were predominantly persons of African descent; indigenous peoples; linguistic, ethnic and religious minorities; and migrants, asylum seekers and refugees. Government policies could sometimes be a source of discrimination against minorities and foreigners. Such policies eroded national cohesion and social stability and, in some cases, gave rise to violent acts perpetrated against women and children and, increasingly, against migrants and refugees. Open and ongoing intercultural and interfaith dialogue, a sense of brotherhood and biological and cultural blending were essential to combat xenophobia in all its forms and manifestations. Governments must therefore implement policies and measures that promoted tolerance, inclusive and interfaith dialogue and respect for cultural, ethnic, religious and linguistic diversity. In that context, her delegation called on Member States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

32. Senegal, which chaired the Committee on the Exercise of the Inalienable Rights of the Palestinian People, wished to stress that the international community had a collective duty to end the multiple violations of the rights of Palestinians, including imprisonment, arbitrary detention, collective punishment, discrimination, the construction of the separation wall, the Gaza embargo, the destruction of houses and civilian infrastructure, and the establishment and expansion of settlements. Many Palestinians were deprived of a number of other rights, such as the rights to education, health and development. Assistance must therefore be provided in order to ensure the full enjoyment of their inalienable rights. The United Nations had a responsibility to find a peaceful solution to the conflict that would meet the security needs of Israel and the legitimate aspirations of Palestinians for a sovereign State based on the pre-1967 borders and with East Jerusalem as its capital.

33. **Ms. Sabja** (Plurinational State of Bolivia) said that the eradication of racism and discrimination was one of the pillars of its domestic policy, and the Constitution prohibited and punished all forms of discrimination. During the tenure of President Morales Ayma, various forms of racism had been expressed in the political and economic spheres, which had culminated in violent acts perpetrated against indigenous farmers and intercultural communities by groups that had opposed the Government and had not accepted the economic, political and social changes made to benefit the majority. Discrimination continued to afflict the poorest members of society and fuel the cycle of poverty.

34. In 2010, the President had enacted a law against racism and all forms of discrimination, which had established mechanisms and procedures to prevent and punish acts of racism and discrimination. Since the adoption of the law, people had felt empowered to report discrimination in the knowledge that the legislation could be used to enforce their rights. As at May 2016, 54 reports of discrimination had been filed and 11 had been resolved using administrative procedures.

35. Her Government had also implemented a partnership agreement between government agencies and civil society institutions with a view to combating racism, racial discrimination, xenophobia and related intolerance. The agreement, based on commitments made under the Durban Declaration and Programme of Action, had strengthened dialogue and cooperation.

36. Furthermore, under Act No. 139, adopted in 2011, 24 May had been declared the day to combat segregation. The Act stipulated that all public and private institutions within the education system, as well as public bodies, must undertake education, prevention and awareness-raising activities to combat racism and discrimination.

37. The international community must promote international commitments to combat racism, and States must implement public policies in the political and economic spheres.

38. **Mr. Tangara** (Gambia) said that the fifteenth anniversary of the adoption of the Durban Declaration and Programme of Action should represent an important opportunity for the international community to reaffirm its political will and commitment to eradicate racism, racial discrimination, xenophobia and related intolerance. That document had also condemned historical slavery and the transatlantic slave trade and had called upon States to take responsibility for the role that they had played during the period of slavery. However, as little progress had been made to date in that regard, there was an urgent nced for a review conference in order to take stock of implementation and chart the way forward.

39. Although the Gambia welcomed the measures that had been taken by the United Nations to end colonialism and remember the victims of slavery, greater consideration must be given to the moral and sociological dimensions of those phenomena and their negative effects on Africa, Africans and people of African descent. The reluctance of the international community to address those historical injustices was responsible for the persistent tension and atmosphere of mistrust in the world. The international community must move away from mere commonplace rhetoric towards concrete actions. The Gambia fully supported the initiative by the African Group to propose a General Assembly resolution on slavery, the slave trade, colonialism, reparation and restitution. The resolution was not meant to rebuke countries that had participated in the slave trade. Instead, it was a call for international partnership to redress the injustices of

slavery and restore the dignity of Africans and people of African descent.

40. Enslavement, racism and forced labour had developed the West but had permanently held back African development, causing Africans and people of African descent to continue to suffer from institutionalized racism. Legal reforms should be codified as part of the international governance architecture to banish those practices and prejudices. An international alliance to settle age-old injustices, eliminate racism and restore trust would enable the international community to ensure that no one was left behind in the achievement of the 2030 Agenda for Sustainable Development.

41. **Mr. Bouassila** (Algeria) said that migrants were increasingly falling victim to exploitation, xenophobia and discrimination, and political parties in some States did not hesitate to demean them to win elections. Associating Islam with terrorism and violence was another form of racism and intolerance. The international community must therefore focus more on correcting misunderstandings; raising global awareness about different cultures and religions; and fostering interfaith and intercultural dialogue, tolerance and respect for cultural, ethnic and religious diversities. More than ever, the international community must reiterate its commitment to implementing the Durban Declaration and the Programme of Action.

42. The Algerian Constitution granted equal treatment and enjoyment of rights to foreigners, protected freedom of belief and religion, and prohibited any direct or indirect dissemination of racist messages, intolerance or incitement to violence. Algeria recognized the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of violations of any of the rights set forth in the related Convention.

43. His delegation deplored any attempt to narrow the interpretation of the right of peoples to self-determination and condemned acts of military intervention and occupation threatening that right. Nevertheless, it was confident that justice would prevail with the support of the international community. The Human Rights Council should continue to give special attention to violations of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation. It was deeply regrettable that the right to self-determination, while threatened in some countries, remained inaccessible to the Palestinians and to all peoples living in the remaining Non-Self-Governing Territories, including the Saharawi people.

44. **Ms. Gonzalez Tolosa** (Bolivarian Republic of Venezuela) said that while the Durban Declaration and Programme of Action had marked a new era in the fight against racism, racial discrimination and related intolerance, the international community was far from fulfilling its commitments. The increasing number of racist, xenophobic and discriminatory messages in many parts of the world, using new and sophisticated information and communication technology to incite violence, intolerance and racial discrimination, was troubling. There was an increase in racist and xenophobic public and political discourse in many developed countries, leading to the rejection and exclusion of certain social, ethnic, racial or religious groups. The extreme cruelty, persecution, discriminatory treatment and marginalization of migrant people in many countries in the North were also alarming. Increasingly, migrants were not allowed to enjoy their fundamental rights and freedoms.

45. One of the fundamental principles underpinning society in her country was non-discrimination. Accordingly, a law against racial discrimination had been adopted in 2011and an institute to combat racial discrimination had been established to handle specific cases and provide a platform for the voices of immigrants, people of African descent and indigenous peoples. Over the course of 2016, preparations had been made for the second congress on racism and racial discrimination; awareness-raising campaigns had been carried out for people of African descent and indigenous peoples; and plans had been made to hold broad national consultations on racial discrimination in order to develop a national plan for its eradication and prevention.

46. Rejecting attempts by any organization or movement to promote racist practices or ideologies based on racial, ethnic or religious superiority, her country condemned the resurgence of extremist movements, ideals and actions. The emergence of such

groups was a setback for States that were based on democracy and the rule of law, and a threat to future generations.

47. The international community must continue its efforts not only to acknowledge the social debt to sectors that had historically been marginalized as a result of racial discrimination but also to combat the scourge of racism.

48. **Ms. Rasheed** (Observer for the State of Palestine) said that the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, along with all provisions of international, humanitarian and human rights law, were applicable to the Occupied Palestinian Territory, including East Jerusalem; however, they had been violated, trampled upon and violently withheld from the Palestinian people for nearly half a century under the ruthless occupation of Israel.

49. Since the beginning of the occupation in 1967, the Israeli Government had relentlessly pursued its illegal policy of building settlements and related infrastructure, in grave breach of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Over the past year, settlement building and related human rights violations had intensified, reconfirming that Israel was more interested in its colonial, expansionist agenda than peace and security. In addition, Israel had continued with the illegal construction of its settlements and a network of Israeli-only bypass roads linking the settlements, as well as the construction of the wall, the expropriation of vast land areas and the transfer of Israeli settlers, as it flagrantly pushed ahead with its plans to colonize and annex more Palestinian land. Those plans had also involved the forcible transfer of Palestinian civilians, the destruction of homes and infrastructure, the denial of basic services, the obstruction of humanitarian justice and the imposition of checkpoints and other movement restrictions accompanied by a strict permit regime. Additional measures had been intentionally designed to segregate indigenous Palestinians and Israeli settlers, institutionalizing a discriminatory regime aimed at altering the demographic composition of the Occupied Palestinian Territory and facilitating the pillage of natural resources.

50. Violence and terror against Palestinians and vandalism and attacks against their homes, orchards and religious sites continued unabated under the watch of the Israeli occupying forces. The constant failure of the occupying Power to hold settlers to account for their terrorist crimes had encouraged further attacks with complete impunity and constituted yet another violation of the legal obligation of Israel to protect the Palestinian population.

51. Colonialism, expansionism and annexation were entirely incompatible with ending the occupation and making peace. Israel spoke of peace while engaging in its destruction, made a mockery of the international community's support for the two-State solution and obstructed the development of a real peace agreement. The international community must make a genuine effort to bring an end to Israeli occupation and realize the inalienable human rights of the Palestinian people, in particular their right to self-determination, so that they could live in security, freedom and dignity within an independent and sovereign State of Palestine, with East Jerusalem as its capital.

52. For half a century, the occupying Power had institutionalized racism and discrimination in its most vicious form, through a prolonged foreign military occupation with elements of colonialism and apartheid. That system allowed for the economic and social subjugation of Palestinians, both the citizens of Israel and those living under its military occupation. They had been kept oppressed, stripped of their rights and segregated into underprivileged population centres by wilful design. The discriminatory reality was so apparent that any reputable international organization or human rights organizations, including NGOs based in Israel, had determined that racism and discrimination were at the heart of the reality that Palestinians suffered under Israeli occupation.

53. Her delegation was gravely concerned that the Palestinian citizens of Israel, who constituted one fifth of the Israeli population, continued to be targeted by a barrage of racist laws that made them second- and third-class citizens in their own land. There were more than 50 laws that discriminated against the Palestinian citizens of Israel in all areas of life, including their rights to political participation, access to land, education, State budget resources and criminal procedures. She wondered how such a State could

rationally or logically continue to refer to itself as a democracy.

54. The grave injustices facing the Palestinian people living under occupation would remain without remedy in the absence of accountability, prolonging the tragic conflict and the deterioration and destabilization of the situation. The international community must do its part and finally take the steps necessary to end all Israeli violations and pursue accountability and justice for the crimes committed against the Palestinian civilian population. Israel, the occupying Power, must fulfil its obligations under international law and in accordance with the relevant United Nations resolutions in order for Palestinians to finally have the right to life and dignity and the ability to determine their own future.

55. **Ms. Gebrekidan** (Eritrea) said that Eritrea had acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in 2001 and was unwavering in its conviction that racism, xenophobia and discrimination of all kinds were grave violations of human rights and needed to be addressed by every nation. Member States had a duty to promote and encourage universal respect for human rights and fundamental freedoms for all, without distinction. The international community had made great strides in its understanding of the different forms and dangers of racism, racial discrimination, xenophobia and other related intolerance, and had declared its full commitment to address those issues in the Durban Declaration and Programme of Action.

56. Despite those efforts, racism, racial discrimination and xenophobia continued to cause unacceptable hardship and tragedy for many. Her delegation was greatly concerned by the mounting hostility towards migrants, who endured threats, intimidation, physical attacks and the denial of basic social services and were unable to freely practise their culture and religion. The fundamental human rights of migrants should be respected by all, and States were encouraged to provide the necessary legal, economic and social framework for their protection. Her delegation supported the global campaign of the Secretary-General to counter xenophobia and encouraged Member States to play an active role in its planning and implementation. Education and the media could play a vital role in changing behaviour and promoting tolerance for diversity.

57. The relics of centuries of colonialism must be addressed. Colonialism and slavery based on racial prejudice had deeply rooted economic and social consequences which continued to affect many people. Her delegation supported the call to redress the historical imbalances created by racism, including slavery, and welcomed the International Decade for People of African Descent.

58. As a country that had been denied its right to self-determination and had endured decades of war to assert it, Eritrea unequivocally supported the right of people to self-determination.

59. **Mr. Rabi** (Morocco) said that the universality, indivisibility and interdependence of human rights were the bedrock of the international system. Self-determination could not be prioritized or implemented in a way that was contrary to the Charter of the United Nations, especially the principles of sovereignty, territorial integrity and national unity. Self-determination applied to all peoples. It was deplorable that some States denied that right to their own people, while defending it in other situations. Self-determination applied to all rights and could not simply be confined to a political status. Other forms of self-determination warranted equal attention, especially cultural and linguistic self-determination.

60. The legal application of self-determination could not be confined to one incomplete, political interpretation. Self-determination was not referenced solely in General Assembly resolution 1514 (XV). Attempts to impose that interpretation flouted international law, which was a living, evolutionary law that adapted to the realities of the international community. Resolution 1514 (XV) had been complemented by General Assembly resolution 1541 (XV), which defined the three options for the application of self-determination as: emergence as a sovereign, independent State; free association with an independent State; or integration with an independent State. That definition had been drafted in order to safeguard against an exclusive interpretation of the principle of self-determination.

61. Originally, self-determination had been meant to dismantle the colonial empires of the 1950s and 1960s through independence, by spreading democracy through autonomy in order to guarantee peace and stability at the regional and international levels. The

general tendency of that international practice, supported by a large corpus of international law, prioritized autonomy through local democracy; economic participation; and the preservation and promotion of tribal, linguistic and cultural identities. Autonomy allowed the international community to go beyond the status quo by contributing to peace, confidence-building and reconciliation. That determination, largely supported by the international community, was authentic, democratic, modern and forward thinking. It was deplorable that, despite the legal developments concerning self-determination, it was still inaccessible for the Kabyle people in Algeria. Self-determination continued to be interpreted narrowly, in violation of the letter and spirit of international instruments concerning that right.

Statements made in exercise of the right of reply

62. **Mr. Shulgin** (Russian Federation) called on the delegation of Georgia to accept the new political reality of two independent States, South Ossetia and Abkhazia. In that context, any issues that may arise, including human rights questions, should be addressed to Tskhinvali and Sukhumi, respectively.

63. With regard to the statement made by the Ukrainian delegation, his delegation wished to recall that Crimea and Sevastopol had become part of the Russian Federation after a referendum, which had been held in full accordance with international law. The people of Crimea and Sevastopol had exercised their right to self-determination, which was guaranteed under the Charter of the United Nations and international law. Furthermore, both territories were governed by the Constitution of the Russian Federation and the international agreements to which it was a party, including those relating to human rights. The residents of Crimea, like all persons living under Russian jurisdiction, had all the means necessary for legal protection, and the competent authorities of the Russian Federation would respond to any reports of potential human rights violations, including by conducting investigations where appropriate.

64. **Ms. Grigoryan** (Armenia) said that, as a nascent nation, Azerbaijan had difficulty interpreting history and often invented it from scratch. Her delegation could therefore forgive its transgressions with regard to the basic study of history, but could not forgive its barbarity. In 2004, an Azerbaijani officer, Ramil Safarov, had beheaded an Armenian officer in his sleep. That crime had not been condemned but rather glorified by the highest authorities of Azerbaijan. In April 2016, during the aggression against Nagorno-Karabakh, the glorification of that crime had encouraged the armed forces of Azerbaijan to inflict atrocities on both soldiers and civilians, including a 92-year-old woman. The armed forces of Azerbaijan had resorted to open and blatant violations of the Geneva Convention by killing captives and mutilating their bodies. Twenty-two forensic investigations had been conducted to determine the scale of those atrocities and had found that the bodies of two servicemen had been beheaded and a third, who had also been beheaded, had had his wrists slit while alive. Photos and videos had been circulated on Azerbaijani social networks, which had shown servicemen posing with the severed heads of Karabakh soldiers and displaying them to the residents of Azerbaijani settlements. The bodies of many more soldiers of the Nagorno-Karabakh defence army had been subjected to various types of mutilation and desecration.

65. Azerbaijan had itself recognized that equal rights and self-determination of peoples should be among the principles of the Nagorno-Karabakh conflict resolution, during the OSCE Ministerial Council held in Athens. The current denial of those rights was therefore contradictory. The aggression of Azerbaijan against Nagorno-Karabakh in April had confirmed the concerns of her Government and had proven once again that the Azerbaijani leadership sought to end the conflict through the complete extermination of the people of Nagorno-Karabakh. To demonstrate its commitment to the peaceful settlement of the conflict, mediated by the Co-Chairs of the OSCE Minsk Group, Azerbaijan should adhere to the ceasefire agreements of 1994 and 1995 and unconditionally implement the agreements reached in Vienna and St. Petersburg.

66. **Mr. Warraich** (Pakistan) said that no amount of obfuscation could alter the reality of the Indian occupation of Jammu and Kashmir. Historic, legal and political realities could not be changed by false claims over occupied territories. The disputed status of Kashmir could not be altered by attempting to mislead the international community, and denial of that fact was self-defeating. The popular aspirations of the Kashmiris to their right to self-determination could not

be conflated with terrorism, and the failure of India to subdue the legitimate struggle could not be blamed on others. In order to achieve durable peace in South Asia, the Kashmir dispute needed to be resolved in accordance with Security Council resolutions and the aspirations of the Kashmiri people. His Government stood ready to engage in a constructive and meaningful dialogue with India towards that end.

67. **Mr. Yaremenko** (Ukraine) said that the Russian delegation had to constantly repeat itself because it could not come up with any convincing new arguments. He wished to remind the Russian delegation about the many hotspots in and around the Russian Federation, including the Russian base in Transnistria and the events which had led to the conflict in Moldova. There had also been Russian aggression against Georgia and Ukraine, including the temporary occupation of Crimea. The head of Sberbank of Russia had even said that his institution was not operating in Crimea to avoid sanctions. If the head of one of the largest Russian financial institutions did not believe that Crimea was a part of the Russian Federation, he wondered why there was still discussion on the matter.

68. **Ms. Kupradze** (Georgia) said that the comments made by the Russian Federation only served to mislead the international community, while it maintained military bases with thousands of troops in the Georgian regions of Abkhazia and Tskhinvali. Those regions had been depopulated as a result of several waves of ethnic cleansing and there were numerous reports of ongoing racism and racial discrimination against ethnic Georgians.

69. A decision of Pre-Trial Chamber I of the International Criminal Court, dated 27 January 2016, had authorized the Prosecutor to open a *proprio motu* investigation into the crimes committed during the 2008 international armed conflict between the Russian Federation and Georgia. In that decision, the Chamber had noted a consistent pattern of deliberate killing, beating and threatening civilians, detention, looting properties and the systematic destruction of Georgian houses. Those acts were reportedly committed with a view to forcibly expelling ethnic Georgians from the territory of South Ossetia in furtherance of the overall objective to change the ethnic composition of the territory and sever any remaining links with Georgia. The Chamber had also noted a 75 per cent decrease in the ethnically Georgian population in South Ossetia, which was a textbook example of ethnically targeted discrimination and demographic change. In the face of those heinous acts of aggression, international monitoring and human rights mechanisms should be granted immediate access to the occupied territories.

70. **Ms. Mammadova** (Azerbaijan) said that her delegation categorically rejected the self-serving, distorted comments made by the Armenian delegation, which illustrated its efforts to mislead the international community. The delegation of Armenia should recall that the unilateral actions taken by Armenia to achieve the secession of Nagorno-Karabakh from Azerbaijan had never been legitimate or peaceful, nor had Armenian claims been consistent with the applicable national or international legal norms.

71. There was overwhelming documentary evidence proving that Armenia had initiated the war. It had attacked and occupied Azerbaijan, including the Nagorno-Karabakh region and seven adjacent districts; carried out ethnic cleansing on a massive scale; and established an ethnically constructed subordinate separatist entity on the captured Azerbaijani territory. In 1993, the Security Council had adopted four resolutions condemning the use of force against Azerbaijan and the occupation of its territories and demanding the immediate, full and unconditional withdrawal of the occupying forces from all the occupied territories of Azerbaijan.

72. The Council had confirmed that Nagorno-Karabakh was a part of Azerbaijan and had reaffirmed respect for the sovereignty and territorial integrity of Azerbaijan and the inviolability of its international borders. Unfortunately, Armenia had rejected the provisions of that resolution, as well as all of the proposals of the OSCE Minsk Group. In other words, what the representative of Armenia had described as the exercise of the right to self-determination by the ethnic Armenian group residing in Azerbaijan had been unequivocally qualified by the Security Council and other authoritative international bodies as the illegal use of force by Armenia, also involving the commission of other crimes of serious concern to the international community.

73. It was regrettable, yet predictable, that Armenia, an aggressor and occupying State, denied responsibility

for the crimes that it continued to commit against the Republic of Azerbaijan and that it had resorted to shifting the blame. The past and current leadership of Armenia was known for its promotion of hate speech, incitement to violence and desire to maintain the status quo. There were many examples, and she would be happy to refresh the memory of the Armenian delegation if necessary.

74. **Ms. Simovich** (Israel) said that the State of Israel supported the two-State solution, with two peoples living side by side in peace and security. However, peace necessitated painful compromises and efforts. No doubt it was much easier for the Palestinian leadership to speak at the United Nations than to speak to its own people in Arabic and call on them to stop the daily terrorist attacks against Israelis. In order to reach a two-State solution, Palestinians could not continue to constantly endanger the lives of Israelis. Since September 2015, 42 people had been killed in terrorist attacks committed by Palestinians and 602 people had been wounded. Palestinians exploited their work permits to enter Israel and kill its civilians, perpetrating attacks on hospitals and holy sites. In November 2015, two people had been killed in a synagogue in Tel Aviv during afternoon prayers. A woman had been stabbed to death in her home in the presence of three of her children, and the 15-year-old murderer had confessed that Palestinian television, which encouraged violence against Jews, had strongly influenced his decision to carry out the attack.

75. She was grateful to the representative of Palestine for so often referring to Israeli NGOs. Israel indeed had a thriving civil society that did not hesitate to speak up and voice its opinions, as should be the case in a democratic society. She sincerely hoped in the future to be able to quote even one Palestinian NGO that would speak out against the Palestinian terrorist attacks on Israelis or against the horrible human rights violations committed by Palestinians against their own people. It was much easier to preach to a democratic country about democracy than to promote the rule of law or democratic procedures, such as elections, in the Palestinian territories. Israel had constantly demonstrated its willingness to make painful compromises in the name of peace in support of the two-State solution, but the Palestinians had yet to recognize the most basic right of Israelis to live in peace and security.

76. **Mr. Bouassila** (Algeria) said that his delegation refuted the statement made by Morocco concerning the communities in Algeria that wished to secede. Given that Morocco considered the issue of Western Sahara to be an internal matter, it should be discussed in terms of the right of the Saharawi people to self-determination. Since its independence in 1962, Algeria had always maintained the right of all Algerian people to self-determination.

77. **Ms. Grigoryan** (Armenia) said that she would not engage in a lengthy polemic with the delegation of Azerbaijan. The Security Council resolutions had been adopted during the military phase of the conflict and had not led to an immediate cessation of hostilities owing to the position of Azerbaijan, which had made continuous attempts to forcefully resolve the issue. Today, after more than 20 years of ceasefire, Azerbaijan referred to a single element of the resolutions while downplaying others, such as lifting the blockade or neglecting the parties to the conflict. All of the Security Council resolutions had clearly recognized Nagorno-Karabakh as a party to the conflict. If Azerbaijan was willing to implement the resolutions, it should first and foremost reach out to the authorities of Nagorno-Karabakh to move forward in resolving the conflict.

78. She noted that the Azerbaijani delegation had not rejected the allegations of the concrete cases of atrocities that she had mentioned but had instead resorted to protracted accusations, to which her delegation had responded on every occasion. It was easy to understand why: the atrocities committed by Azerbaijani servicemen had been well documented, including pictures of them standing next to mutilated bodies on social networks. One of the so-called heroes, posing with the severed head of a Nagorno-Karabakh serviceman, had even received an award from the President of Azerbaijan himself.

79. Azerbaijan continued to violate the ceasefire regime. One recent incident had resulted in the death of a member of the Nagorno-Karabakh defence army. Her delegation was deeply concerned that Azerbaijan continued to resort to regular military actions along the contact line despite calls from the international community to adhere to the ceasefire, end hostilities and return to negotiations.

80. **Ms. Rasheed** (Observer for the State of Palestine) said that the statements she had delivered reflected the facts, without distortion or rhetoric, of the real suffering, trauma and tragedies endured every day by Palestinian children, women and men under nearly fifty years of occupation. The representatives of Israel continued to ignore that occupation and refused to address it in any way, especially in the context of international law. The reports of the Secretary-General reflected facts that had been gathered by credible United Nations agencies, committees and bodies, as well as human rights organizations. When Israeli human rights organizations spoke the truth, they were targeted by the Prime Minister of Israel himself. The facts in those reports were based on the legal and human rights frameworks governing occupation. No matter how many distortions or perversions, the law could not be twisted to justify the acts of the aggressor, the occupying Power, at the expense of the victims, the Palestinian people. She implored the Israeli delegation to stop spreading false narratives to distort the situation and seriously discuss the subjugation of the Palestinian people and the human rights violations perpetrated against them. An examination of the situation based on international law and the human rights Covenants would surely lead to a different narrative than the one constantly being told by the representatives of Israel.

81. The aspirations of the Palestinian people were legitimate: to live freely rather than under the yoke and misery of foreign occupation and to enjoy the same rights, peace and security as all peoples. Israel spoke easily about peace. However, the international community must measure its commitment to peace through the words and actions of the Government in the Occupied Palestinian Territory. Hundreds of thousands of illegal settlers had been transferred there, which was a war crime and a violation of the obligations of Israel as an occupying Power. The Palestinian leadership had taken numerous steps to achieve peace and had recognized the right of the State of Israel to exist through the Oslo Accords. Her Government continued to strive to achieve two States, to have Israel and Palestine living side by side in peace and security. However, Israel had yet to recognize the Palestinian people under its occupation.

82. In his closing remarks to the Committee the previous week, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had emphasized that the occupation was becoming more entrenched and that the international community should be gravely concerned by the lack of a path towards Palestinian self-determination and independence. He had also stated that it was impossible to separate the occupation from the Israeli settlement project.

83. Her delegation therefore invited Israel to participate in a serious debate instead of distorting the narrative and the facts on the ground, of which the international community and the United Nations were well aware.

84. **Ms. Mammadova** (Azerbaijan) said that the so-called independent Nagorno-Karabakh Republic was nothing more than a puppet regime under the control of the Government of Armenia, and its key figureheads were, in fact, members of the political system of Armenia. The President of Armenia, Serzh Sargsyan, had started his career in 1989 as a chairman of the separatist "Self-Defence Forces Committee", a position which he had left in 1993 in order to assume the mantle of Minister of Defence.

85. As for the atrocities committed in April 2016 and before, she would be happy to remind the Armenian delegation of all the crimes that its leadership had committed against the civilian population of Azerbaijan. President Sargsyan had even stated that he had absolutely no regrets whatsoever about the crimes he had committed.

86. According to the information provided by the Ministry of Defence of Armenia, 80 per cent of the Armenian soldiers who had died during the April escalation had been servicemen of the Armenian defence army. Azerbaijani soldiers were being maimed, wounded and killed within the internationally recognized territory of Azerbaijan defending their country's sovereignty, State borders and territorial integrity. By contrast, Armenian soldiers were fighting to defend the illegal occupation policy of their Government.

87. She wished to know why there were Armenian soldiers in Aghdam and Fizuli when the occupation had been condemned by the Security Council. Hostilities continued because the Armenian side had rejected the timeframe for the withdrawal of Armenian forces from the occupied territories of Azerbaijan. The illegal

presence of the Armenian armed forces on the territories of Azerbaijan was the only obstacle to lasting peace and security in the region. She wondered which law allowed Armenia to conduct military exercises on the occupied territory of Azerbaijan and why Armenian officials were in Aghdam, Fizuli and Nagorno-Karabakh. She invited the Armenian delegation to answer those questions instead of engaging in polemics and misleading the Committee.

88. **Mr. Rabi** (Morocco) said that the statement made in exercise of the right of reply by the delegation of Algeria was paradoxical and schizophrenic. Algeria interfered in the affairs of its neighbour, Morocco, while attempting to prohibit any interference by others in its own affairs. Sahara was Moroccan and it would remain that way. Unfortunately for the Algerian delegation, Algeria could not restrict his delegation's freedom of expression or stop it from speaking about the right of the Kabyle people to self-determination. The statement made by the Algerian representative had once again confirmed that Algeria was the main party responsible for the dispute over the Sahara.

89. **Mr. Bouassila** (Algeria), noting that the concept of "Moroccan Sahara" was contrary to established international customs and norms, said that Western Sahara had been listed as a Non-Self-Governing Territory and that the United Nations Mission for the Referendum in Western Saharan had in fact been established to enable the Saharawi people to exercise its right to self-determination. For its part, Algeria would never accept interference in its affairs and would never interfere in the internal affairs of other countries.

90. **Mr. Rabi** (Morocco) said that the representative of Algeria always sought to justify his comments by providing partial information, having forgotten to mention that Morocco had requested that Sahara be listed as a Non-Self-Governing Territory with the Special Political and Decolonization Committee in 1963 in an effort to regain an integral part of its territory. The representative of Algeria would do better to provide information in its entirety so as to avoid misleading the Member States present. Morocco would not allow anyone to speak about Moroccan Sahara. Each time that the Algeria delegation did so, the Moroccan delegation would be there to respond and to speak about Algeria, since Algeria gave itself the right to speak about Morocco.

The meeting rose at 12.05 p.m.